



Petition No. 1506-ZOA-01

Petitioner: City of Westfield

Request: Approval of an Ordinance to Amend Various Provisions of the Westfield-Washington Township Unified Development Ordinance.

Exhibits:

1. Staff Report
2. Ordinance 15-12
3. Street Tree Exhibit
4. Dumpster Enclosures (UDO Excerpts)
5. Gasoline Service Station Canopies Exhibit

Staff Reviewer: Jesse M. Pohlman, Senior Planner

PETITION HISTORY

This petition was introduced at the May 11, 2015, City Council meeting. The petition is scheduled for its public hearing at the May 18, 2015, Advisory Plan Commission (the "APC") hearing. Subject to the public hearing, the petition is scheduled for Plan Commission action on June 01, 2015, and the Council's adoption consideration on June 08, 2015.

PROCEDURAL

Procedures to amend a zoning ordinance are established by Indiana Code (I.C. 36-7-4-600, et seq.). Amendments are required to be considered at a public hearing. The public hearing for this petition is scheduled for the May 18, 2015, Advisory Plan Commission meeting.

OVERVIEW

The proposed amendment to the Westfield-Washington Township Unified Development Ordinance (the "UDO") addresses the following topics, which are further summarized in detail below.

1. Street Trees (residential)
2. Dumpster Enclosures
3. Gasoline Service Station Canopies
4. Nonconforming Lots of Record (downtown)

After consideration by the Council's Committee on Ordinance Revisions, the proposed amendments are reflected in the attached ordinance (see **Exhibit 2**).

STREET TREES:

Standard: Article 6.8(J) of the UDO (pg. 6-32) requires street trees within residential developments. Street trees are required either: (i) within the public right-of-way in accordance with the City's Construction Standards for a local street; or (ii) in the front yard of the adjacent lot within 10 feet of the right-of-way.

Issue: Street trees are desired between the sidewalk and curb to enhance the streetscape; however, the City's prior street cross-section that allowed street trees within the right-of-way has proven undesirable by developers because of the wider right-of-way required (required 10'-wide planting area for street trees). Alternatively, placing the street trees in the front yard of the adjacent lot for the narrower right-of-way cross-section has also proven challenging due to conflicts with utility infrastructure and easements.

Amendment: The proposed amendment is in conjunction with the Board of Public Works and Safety's recently amended street cross-section. The amended cross-section provides for an 8'-wide tree lawn between the curb and sidewalk for street trees. To offset the impact of the wider right-of-way, the amendment to the UDO will allow for a reduction in the front yard setback and minimum lot size standards.

The reductions would be proportionate to the increase of the right-of-way. The specific details of the cross-sections are further illustrated in **Exhibit 3**.

The amendment also: (i) incorporates maintenance and species standards that currently exist either within the City's municipal code or the City's Construction Standards; and (ii) requires that the street trees be shown and reviewed as part of a subdivision's Overall Development Plan.

DUMPSTER ENCLOSURES:

Standard: The UDO (see **Exhibit 4**) requires that dumpsters be screened with enclosures. The UDO also encourages that enclosures have pedestrian access openings (or man-doors) to minimize the frequency of the larger service gates being opened and potentially remaining open.

Amendment: The proposed amendment (Article 6.1(H)(6)) requires pedestrian access openings for dumpster enclosures. The amendment (Article 6.1(H)(3)) further clarifies that the enclosure itself shall consist of Masonry Materials that matches or complements the Principal Building.

GASOLINE SERVICE STATION CANOPIES:

Standard: Article 6.3(F)(11)(c) Architectural Standards; Business Districts; Gasoline Service Station Canopies; Roof Design of the UDO establishes design standards for Gasoline Service Stations that reads as follows:

11. **Gasoline Service Station Canopies:** This section shall apply to canopies for all Gasoline Service Stations:
 - a. **Materials:** The support structures for canopies shall be wrapped in Masonry Materials to complement the Principal Building. Canopy fascia and canopy roof materials shall match the color and texture of the Principal Building.
 - b. **Height:** In order to reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be sixteen (16) feet and the maximum top of the canopy shall be twenty-two (22) feet. The maximum width of the canopy fascia shall be thirty (30) inches.
 - c. **Roof Design:** A canopy shall include a pitched or sloped roof design.

Issue: The Plan Commission has recently approved a number of development plans for gasoline service stations. As a result of those proposals, which are reflected in **Exhibit 4**, this amendment is being proposed to refine the standard for the desired canopy roof design.

Amendment: The proposed amendment is intended to require a more balanced proportion between the canopy's fascia and the sloped roof. As a result, Article 6.3(F)(11)(c) Roof Design is proposed to be revised as follows: "A canopy shall include a pitched or sloped roof design with a minimum height of two and one half (2.5) times the width of the canopy fascia."

NONCONFORMING LOTS OF RECORD:

Standard: Article 9.4 Nonconforming Regulations; Nonconforming Lots of Record reads:

9.4 Nonconforming Lots of Record

- A. A Legal Nonconforming Lot shall be deemed as such for any Lot that: (i) was established and recorded prior to the date of passage of the Westfield Washington Township Zoning Ordinance of December 20, 1977; and (ii) no longer conforms to the regulations set forth in this Ordinance, or its subsequent amendments, as applicable to Lots (e.g., Lot Area, Lot Width, Lot Depth, Lot Frontage).
- B. A Legal Nonconforming Lot may be: (i) used as permitted by the Zoning District in which the Lot is located; and (ii) built upon, only if the Lot and improvements otherwise comply with all other standards of this Ordinance, and provided that:
 - 1. The Property Owner of said parcel does not own, in whole or in part, sufficient adjacent land to enable the parcel to conform to the dimensional and acreage requirements of this Ordinance;
 - 2. The Lot Width is no less than one hundred (100) feet; and
 - 3. The Lot Area is no less than one (1) acre.
- C. A Legal Nonconforming Lot shall lose its status as Legal Nonconforming Lot if the Lot has been either: (i) combined into a single Lot or parcel that either fully conforms with the standards of the Zoning District or decreases the nonconformity; or (ii) is combined with a conforming Lot or parcel. Once combined with another Lot, a Legal Nonconforming Lot shall not thereafter be subdivided except when the resulting Lots are in full compliance with this Ordinance.

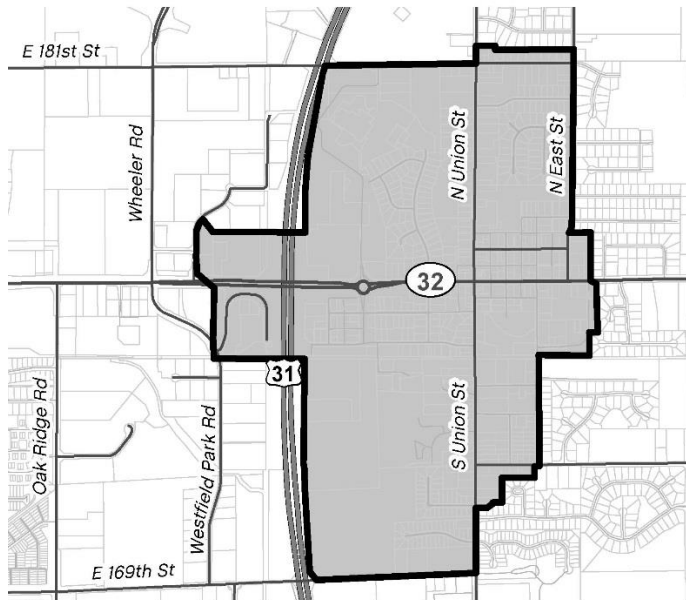
Issue: The yellow highlighted section provides that a Legal Nonconforming Lot (a lot that was legal when created but that no longer complies with the current lot size and width requirements) may only be built upon if it meets those additional criteria.

While these additional criteria may be appropriate for the non-urbanized areas of the community, these additional criteria have inhibited the ability for property owners within the downtown area to build or rebuild on existing lots, even though the lots were legal when they were created.

Amendment: As a result, the proposed amendment adds a new section that removes these additional criteria for those Legal Nonconforming Lots within the downtown area as follows:

“A Legal Nonconforming Lot within the geographic area identified in FIGURE 9.4(1): DOWNTOWN AREA may be: (i) used as permitted by the Zoning District in which the Lot is located; and (ii) built upon, only if the Lot and improvements otherwise comply with all other standards of this Ordinance.”

FIGURE 9.4(1): DOWNTOWN AREA



STATUTORY CONSIDERATIONS

Indiana Code 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses.
3. The most desirable use for which the land is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible growth and development.

DEPARTMENT COMMENTS

- 1) Hold a public hearing. No additional action is required at this time.
- 2) If any Plan Commission member has questions, then please contact Jesse Pohlman at 317.402.4380 or jpohlman@westfield.in.gov.